

Milpitas Ethics Evaluation Panel
Decision of the Ethics Evaluation Panel
(*amended* decision, 11/10/04)
Complaint of Lind, Ranker, and Abelardo
Heard November 3, 2004

Proceedings. On November 3, 2004 the Ethics Evaluation Panel met to hear a complaint alleging the Milpitas Code of Ethics had been violated. The panel convened for this particular hearing meeting was comprised of Ethics Evaluators Susan Branch, Barbara Conant, and Philip Boo Riley. The panel heard presentations from involved parties, and reached a decision regarding the allegation.

Summary of the Alleged Violation. The Ethics Evaluation Panel heard a complaint filed by Jenifer Lind, Craig Ranker and Joselito Abelardo alleging that Armando Gomez, Debbie Giordano, Jim Lawson and Bob Livengood had violated the Milpitas Ethics Code, specifically the Honesty value (as illustrated by Behavioral Standard F3 [5/17/04 version; F3 on the 5/21/04 version] and Respect value (as illustrated by Behavioral Standards A5, F5). The complainants presented as evidence a number of fliers distributed by the Milpitas Police and Firefighters Coalition PAC they viewed as “hit piece[s], containing allegations that do not represent ethical campaign standards...” and charged that the respondents “...should uphold the ethical standards of the citizens of Milpitas and publicly denounce the PAC and the lack of respect shown for the candidates in this dirty-politics-as-usual mailer.”

Findings of Fact. The panel determined that no relevant evidence was presented regarding the alleged violation of the Respect value. The panel determined that relevant evidence regarding the alleged violation of the Honesty value was presented: that with the exception of Mr. Lawson, the respondents whose interests may have been served by the PAC material cited in the complaint did not take proactive steps to check the veracity of the materials; nor did the individuals named as respondents take proactive steps to disavow the materials. However, the panel determined this evidence was not sufficient to warrant a judgment that the respondents had violated the Honesty value or the specific behavioral standard cited in the complaint.

Decision of the Panel. The panel decided—by a vote of 2 to 1—not to uphold the allegation.

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Findings of Fact. The panel determined that no relevant evidence was presented regarding the alleged violation of the Respect value. The panel determined that relevant evidence regarding the alleged violation of the Honesty value was presented: that as individuals whose interests may have been served by the PAC material cited in the complaint, the respondents did not take proactive steps to check the veracity of the materials or to disavow the materials. However, the panel determined this evidence was not sufficient to warrant a judgment that the respondents had violated the Honesty value or the specific behavioral standard cited in the complaint.

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